

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BIS ADVANCED SOFTWARE SYSTEMS,  
LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC., RED BEND  
SOFTWARE, LTD., TIME WARNER INC.,  
ICQ, INC., INSTALLSHIELD SOFTWARE  
CORP.,  
and  
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

**SCHEDULING ORDER**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1, a Scheduling Conference was held on January 27, 2005. After consulting with the attorneys of record for the parties, and for good cause shown

It is hereby ORDERED

1. Disclosures under Rule 26(a)(1) are waived;
2. Defendants shall state whether they will rely on the advice-of-counsel defense to willfulness on or before May 10, 2005;
3. Fact discovery shall be completed by August 1, 2005;
4. Disclosures under Rule 26(a)(2) will be made according to the following schedule:
  - a. Expert reports for which the serving party has the burden of proof shall be exchanged by July 1, 2005; and

- b. Expert reports for which the serving party does not have the burden of proof shall be exchanged by September 1, 2005;
5. Expert discovery shall be completed by October 1, 2005;
6. The discovery event limitations set forth Local Rule 26.1(C) shall apply;
7. Plaintiff shall identify the claims in issue, and then the parties shall meet and confer to identify any claim terms in dispute by no later than September 1, 2005;
8. All summary judgment and *Daubert* motions shall be filed by November 1, 2005;
9. Plaintiff's *Markman* brief shall be filed by November 1, 2005;
10. All briefs in opposition to summary judgment and *Daubert* motions shall be filed by December 1, 2005;
11. Defendants' *Markman* brief shall be filed by December 1, 2005;
12. Any reply briefs on summary judgment and *Daubert* motions as well as Plaintiff's reply on *Markman*, if any, shall be filed by December 15, 2005. Reply briefs shall be no longer than five pages.
13. A tutorial will be held on Tuesday, December 20, 2005 at 2:00 p.m.
14. A hearing on all summary judgment, *Daubert* and *Markman* motions will be held on Wednesday, December 21, 2005 at 2:00 p.m.

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Rya W. Zobel  
United States District Judge